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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

15 ASSOCIATION OF IRRITATED RESIDENTS,)
16 an unincorporated association,)
17 *Plaintiff,*)
18 vs.)
19 UNITED STATES ENVIRONMENTAL)
20 PROTECTION AGENCY, et al.,)
21 *Defendants.*)

Case No. 09-cv-1890 CW

**STIPULATION TO CONTINUE
ANSWER, INITIAL DISCOVERY, &
ADR DEADLINES**

AND

ORDER THEREON

WHEREAS, on April 30, 2009, Plaintiff Association of Irrigated Residents filed the above-captioned matter against the United States Environmental Protection Agency (“EPA”), alleging that EPA has failed to undertake certain nondiscretionary duties under the Clean Air Act, 42 U.S.C. §§ 7401-7671q, and that such alleged failures are actionable under section 304(a)(2) of the CAA, 42 U.S.C. § 7604(a)(2);

WHEREAS, in order to allow the parties to attempt settlement of this action, on July 14, 2009, Dkt. 13, the Court granted the parties’ stipulation to continue EPA’s time for responding to Plaintiff’s Complaint until October 12, 2009, the parties’ deadline to file initial discovery and fulfill ADR requirements until October 22, 2009, the parties’ deadline to file a Case Management Statement until December 8, 2009, and the Case Management Conference until December 15, 2009;

WHEREAS, Plaintiff and EPA have reached a tentative settlement, the agreement for which must first be approved by authorized officials at the U.S. Department of Justice and EPA, a process that can take several weeks;

WHEREAS, Plaintiff and EPA believe that a short continuance of the above-mentioned initial deadlines will allow the parties sufficient time to finalize the settlement and conserve party and judicial resources;

WHEREAS, Plaintiff and EPA intend for any final settlement to be entered through a Consent Decree, thereby precluding the need for the filing of an Answer, Initial Disclosures, and any ADR requirements;

WHEREAS, Plaintiff and EPA believe that the requested continuance below will not adversely affect the schedule or resolution of this case;

NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through their undersigned counsel, hereby stipulate as follows:

- (1) EPA’s time for responding to Plaintiff’s Complaint, currently set for October 12, 2009, is continued three weeks until November 2, 2009; and

(2) The parties' deadline to meet and confer regarding initial disclosures, early settlement, ADR process selection and certification, and discovery planning, currently set for October 22, 2009, is continued three weeks until November 12, 2009.

COUNSEL FOR PLAINTIFF:

Dated: October 7, 2009

/s/ Alegría De La Cruz (by permission)

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COUNSEL FOR DEFENDANTS:

Dated: October 7, 2009

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/s/ Rochelle L. Russell

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/13/09


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE